

UNITED STATES DISTRICT COURT

for the
Middle District of North Carolina

In the Matter of the Search of
(Briefly describe the property to be searched
or identify the person by name and address)

Information Associated with Dropbox Username
arod69joker69@gmail.com and User ID 544651379

Case No.

1:18MJ122-1

APPLICATION FOR A SEARCH WARRANT

I, a federal law enforcement officer or an attorney for the government, request a search warrant and state under penalty of perjury that I have reason to believe that on the following person or property (identify the person or describe the property to be searched and give its location):
Information associated with Dropbox Username arod69joker69@gmail.com and User ID 544651379 stored at premises owned, maintained, controlled or operated by Dropbox, Inc., as further described in Attachment A.

located in the _____ Northern _____ District of _____ California _____, there is now concealed (identify the person or describe the property to be seized):

Evidence of, instrumentalities used in committing, and fruits of the crimes of 2252A(a)(5)(B) as further described in Attachment B.

The basis for the search under Fed. R. Crim. P. 41(c) is (check one or more):

- ☒ evidence of a crime;
☒ contraband, fruits of crime, or other items illegally possessed;
☒ property designed for use, intended for use, or used in committing a crime;
☐ a person to be arrested or a person who is unlawfully restrained.

The search is related to a violation of:

Code Section	Offense Description
18 U.S.C. § 2252A(a)(5)(B)	Possession of Child Pornography

The application is based on these facts:

- ☒ Continued on the attached sheet.
☐ Delayed notice of _____ days (give exact ending date if more than 30 days: _____) is requested under 18 U.S.C. § 3103a, the basis of which is set forth on the attached sheet.



Applicant's signature

Cory E. Brant, Special Agent HSI

Printed name and title

Sworn to before me and signed in my presence.

Date:

5/17/18 12:00 NOON

City and state: Durham, North Carolina



Judge's signature

Joe L. Webster, United States Magistrate Judge

Printed name and title

**AFFIDAVIT IN SUPPORT OF
AN APPLICATION FOR A SEARCH WARRANT**

I, Cory E. Brant, a Special Agent (SA) with Homeland Security Investigations (HSI), being duly sworn, depose and state as follows:

INTRODUCTION AND AGENT BACKGROUND

1. I make this affidavit in support of an application for a search warrant for information associated with the Dropbox account with username arod69joker69@gmail.com and User ID: 544651379, the SUBJECT ACCOUNT, that is stored at premises owned, maintained, controlled, or operated by Dropbox, Inc., a company headquartered at 185 Berry Street, San Francisco, California 94107. This affidavit is made in support of an application for a search warrant under 18 U.S.C. §§ 2703(a), 2703(b)(1)(A) and 2703(c)(1)(A) to require Dropbox, Inc. to disclose to the government records and other information in its possession, pertaining to the account listed in Attachment A.

2. I have been employed as a Special Agent of the U.S. Department of Homeland Security, Homeland Security Investigations (HSI) since April of 2002, and am currently assigned to the Resident Agent in Charge (RAC) Winston-Salem, North Carolina. While employed by HSI, I have investigated federal criminal violations related to high technology or cybercrime, child exploitation, and child pornography. I have gained experience through training

at the Federal Law Enforcement Training Center (FLETC) and everyday work relating to conducting these types of investigations. I have received training in the area of child pornography and child exploitation, and have had the opportunity to observe and review numerous examples of child pornography (as defined in 18 U.S.C. § 2256) in all forms of media including computer media. I am also a certified computer forensics and mobile device examiner and have conducted forensic analyses on over 100 electronic devices that have contained, or have been alleged to have contained, child pornography or other evidence related to the sexual exploitation of minors. Moreover, I am a federal law enforcement officer who is engaged in enforcing criminal laws, including 18 U.S.C. §§ 2251(a), 18 U.S.C. §§ 2252 and 18 U.S.C. §§ 2252A, and I am authorized by law to request search and arrest warrants

3. I am investigating Adrian NMN Rodriguez, and others, for possession of child pornography and I have probable cause to believe that contraband and evidence of a crime, fruits of a crime, and instrumentalities of violations of Title 18, United States Code, Section 2252A(a)(5)(B) are located within the information described in Attachment A.

4. The statements in this affidavit are based upon my personal knowledge and observation, my training and experience, and conversations with other law enforcement officers, particularly Detective Zachary Neeffe of the Alamance County Sheriff's Office. Since this affidavit is being submitted

for the limited purpose of securing a search warrant, I have not included each and every fact known to me concerning this investigation. I have set forth only the facts that I believe are necessary to establish probable cause to believe that contraband and evidence, fruits, and instrumentalities of violations of 18 U.S.C. § 2252A(a)(5)(B) (possession of and access with intent to view child pornography), are presently located within the information described in Attachment A.

STATUTORY AUTHORITY

5. As noted above, this investigation concerns an alleged violation of the following:

a. Title 18, United States Code, Sections 2252A(a)(5)(B) and (b)(2) prohibits a person from knowingly possessing or knowingly accessing with intent to view, or attempting or conspiring to do so, any material that contains an image of child pornography, as defined in 18 U.S.C. § 2256(8), that has been mailed, or shipped or transported using any means or facility of interstate or foreign commerce or in or affecting interstate or foreign commerce by any means, including by computer, or that was produced using materials that have been mailed or shipped or transported in or affecting interstate or foreign commerce by any means, including by computer.

DROPBOX

6. Dropbox is a file hosting service operated by Dropbox, Inc., headquartered in San Francisco, California, that offers cloud storage, file synchronization, personal cloud, and client software. Dropbox allows users to create a special folder on each of their computers, which Dropbox then synchronizes so that it appears to be the same folder (with the same contents) regardless of which computer is used to view it. Files placed in this folder also are accessible through a website and mobile phone applications.

7. Dropbox users sign up for an account with a valid e-mail address. Dropbox will typically give users a certain amount of free storage, and if the user wants more storage, the user can pay for it. Users can access Dropbox from anywhere in the world using the Internet. For example, a user can take a photograph from a smartphone and upload that photo to Dropbox and erase it from their phone. The photograph now resides in the user's "cloud." The user can then access his Dropbox account from a desktop computer and download the photograph to that machine.

8. Another feature of Dropbox is sharing. A Dropbox user can share certain files he designates by sending a web link to another user. It then gives the second user access to those particular files.

9. I know that Dropbox maintains records on their users, such as subscriber and account access information, including the IP addresses of those

accessing the account. Furthermore, I know Dropbox maintains the stored content of their users' accounts and information about when content was placed on the account.

PROBABLE CAUSE

10. In March 2017, Det. Neefe initiated an undercover operation on the mobile application Kik Messenger.¹ The goal of the operation was to identify and possibly apprehend individuals engaging in child sexual exploitation.

11. For the undercover operation, Det. Neefe created a fictitious undercover profile that purported to be a female minor in 7th grade in Alamance County. To create the profile, Det. Neefe utilized childhood pictures obtained from a sworn Alamance County Deputy Sheriff (Female Deputy) with her permission.

12. On March 16, 2017, operating in an undercover capacity as the fictitious minor (UC-Profile), Det. Neefe joined a Kik group called "NC teen chat (#NCteenchat)." Shortly thereafter, a member of that group with display name "AROD 69" and username "arod9969" sent UC-Profile a private message

¹ Kik Messenger, also known as "Kik," is a popular and free instant messenger application for mobile devices. Kik utilizes the Internet to transmit and receive messages, photos, videos, sketches, mobile webpages, and other content. Kik users are identified by a unique Kik username.

inquiring about what she was interested in. Det. Neefe responded in a non-sexual manner and soon thereafter AROD 69 indicated that he was interested in engaging in a sexual conversation.

13. As soon as AROD 69 began making sexual references, UC-Profile informed him that she was a 13 year-old female residing in the Saxapahaw, North Carolina area. AROD 69 continued his sexual comments. AROD 69 sent UC-Profile a video of what appeared to be a white male masturbating for approximately ten seconds on camera. When asked by UC-Profile if the video depicted his penis, AROD 69 stated that it did.

14. Shortly after this, AROD 69 questioned UC-Profile repeatedly about whether she was a police officer. UC-Profile sent AROD 69 numerous pictures of the female Alamance County Sheriff's Deputy (Female Deputy) as a minor and explained that she could not create and send him new images. UC-Profile informed AROD 69 that she "hates cops" and that she was trying to be sneaky in order not to get caught talking to him. Shortly after this, AROD 69 sent a selfie-style photograph of a white male, later identified as Adrian NMN Rodriguez, sitting in an automobile. In the selfie, Adrian NMN Rodriguez was depicted wearing gold aviator-style Ray-Ban sunglasses.

15. From March 16, 2017 to March 21, 2017, AROD 69 continued his sexual conversation with UC-Profile. He mentioned and explained sexual spanking, explained oral sex, asked UC-Profile if she had a shaved vaginal

area, alluded to UC-Profile going to jail if she didn't follow his instructions, referred to himself as the "master" and to UC-Profile as his "slave", instructed UC-Profile in female masturbation techniques, explained his fantasy of having a sexual relationship with both "UC-Profile and her mother, asked UC-Profile if she had ever seen her parents having sex, discussed meeting UC-Profile in person, told UC-Profile to take extra underwear when they meet, and told UC-Profile to wear a skirt because "I just want to touch you as soon as I c u" and because "I need to fuck u as soon as possible."

16. On March 21, 2017, AROD 69 sent UC-Profile two videos, both of which show a woman performing oral sex on a male individual. When asked by UC-Profile if the male in the video was him, AROD 69 stated that it wasn't and that "I was just showing you what I need you to do".

17. AROD 69 requested to meet UC-Profile in person for a sexual encounter. When AROD 69 asked where, UC-Profile suggested the Saxapahaw General Store. AROD 69 would not provide any kind of vehicle description, and the Alamance Coounty Sheriff's Office still did not have a name or positive identification of him at the time. For this reason, numerous detectives covertly setup in the vicinity of Saxapahaw General Store and waited. Female Deputy also assisted in the operation. Female Deputy changed into plain-clothes and sat at a bench in front of Saxapahaw General Store.

18. On March 21, 2017 at approximately 5:00 pm, AROD 69 messaged

that he would meet UC-Profile around 5:30. He then asked for a detailed clothing description and stated he was running late because of traffic. AROD 69 later updated his arrival time to approximately 6:00 pm. At approximately 5:50 pm, AROD 69 messaged "Yes almost there."

19. At approximately 6:00 pm, a black Honda Accord pulled into the parking lot and circled around toward the front of the store. The car passed near Det. Neeffe and he was able to see a white male with sunglasses at the wheel. Det. J.R. Cannady stated he saw what appeared to be aviator-style sunglasses on the face of the driver. As the car circled the lot, Det. Neeffe observed the car approach a minor female.

20. Det. Neeffe observed the driver of the Honda Accord speaking with the minor. The car drove off at a low rate of speed and turned left onto Saxapahaw-Bethlehem Church Rd. with the minor looking suspiciously at the car as it drove away. Det. Neeffe approached the minor and asked her what the driver of the car had said. The minor stated that the "guy thought I was somebody else." When Det. Neeffe asked her who he had asked for, the female replied, "he thought I was [first name of UC-Profile]."

21. The Honda pulled into a spot almost immediately in front of Female Deputy and messaged "In front of u." As deputies rushed in to secure the driver of the Honda Accord, Det. Cannady observed a smartphone in the front of the passenger compartment with the Kik app open and UC-Profile's

Kik profile displayed. Det. Cannady recovered the cellphone and AROD 69, determined to be Adrian NMN Rodriguez, was arrested.

22. When arrested, Rodriguez was wearing gold aviator-style Ray-Ban sunglasses and appeared to be the same person seen in the selfie image identified by AROD 69 as himself.

23. After obtaining a search warrant, Det. Neeffe reviewed the contents of Rodriguez's cellphone with the assistance of forensic examiner Det. J.R. Cannady. The cellphone contained numerous files that depicted child pornography. For example, one video file observed on the phone depicts a minor male who appears to be around 16 years of age. The minor walks into the room and appears to move the camera. A young female child around the age of 6-8 years of age walks into the room and jumps onto the bed. The male minor is fully nude and the female child is holding his erect penis. The female child begins to rub the male's penis with her right hand. After that she takes her pants off. She lies down in the bed and the male has sex with her while she is lying on the bed. The video stops during the sex act.

24. A review of Rodriguez's cellphone revealed that, on March 13, 2017, he sent the Dropbox link <https://www.dropbox.com/sh/d1u3fa0fwoyicto/AADVywXIUXciU9Y24f37o1tza/?dl=0> to Kik user letstrade7414. In March or April of 2017, Det. Neeffe viewed this link and observed at least one image that depicted a nude pre-pubescent

female performing a sex act by self-stimulating her own vagina with her fingers.

25. A court order for subscriber records of the Dropbox account associated with the link revealed that it belonged to arod69joker69@gmail.com and User ID: 544651379, the SUBJECT ACCOUNT.

26. Based on my training and experience, I am aware that, over the past several years, individuals interested in child pornography have often used Kik Messenger and Dropbox to send and receive child pornography.

27. On December 19, 2018, a Grand Jury in the Middle District of North Carolina charged Adrian NMN Rodriguez with 18 U.S.C. § 2422(b) (Enticement of a Minor) and 18 U.S.C. § 2252A(a)(5)(B) (Possession of Child Pornography). On April 9, 2018, Rodriguez pled guilty to 18 U.S.C. § 2422(b). His sentencing hearing is set for August 15, 2018.

INFORMATION REGARDING INFORMATION TO BE SEIZED

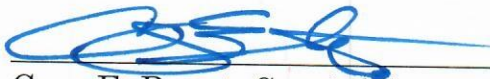
28. I anticipate executing this warrant under the Electronic Communications Privacy Act, in particular 18 U.S.C. §§ 2703(a), 2703(b)(1)(A) and 2703(c)(1)(A), by using the warrant to require Dropbox Inc., to disclose to the government copies of the records and other information (including the content of communications) particularly described in Section I of Attachment B. Upon receipt of the information described in Section I of Attachment B, government-authorized persons will review that information to locate the

items described in Section II of Attachment B.

29. Because the warrant will be served on Dropbox Inc., who will then compile the requested records at a time convenient to Dropbox Inc., reasonable cause exists to support execution of the requested warrant at any time day or night.

CONCLUSION

30. Based on the forgoing, I request that the Court issue the proposed search warrant. This Court has jurisdiction to issue the requested warrant because it is "a court of competent jurisdiction" as defined by 18 U.S.C. § 2711, 18 U.S.C. §§ 2703(a), (b)(1)(A) & (c)(1)(A). Specifically, the Court is "a district court of the United States ... that – has jurisdiction over the offense being investigated." 18 U.S.C. § 2711(3)(A)(i). Pursuant to 18 U.S.C. § 2703(g), the presence of a law enforcement officer is not required for the service or execution of this warrant.



Cory E. Brant, Special Agent
Homeland Security Investigations

Subscribed and sworn to before me on this 17th day of May, 2018. 12:00 noon



JOE L. WEBSTER
UNITED STATES MAGISTRATE JUDGE

ATTACHMENT A

Property to Be Searched

This warrant applies to information associated with the Dropbox account with username arod69joker69@gmail.com and User ID: 544651379, which is stored at premises owned, maintained, controlled, or operated by Dropbox Inc., located at 185 Berry Street, San Francisco, California 94107.

ATTACHMENT B

Particular Things to be Seized

I. Information to be Disclosed by Dropbox Inc.

To the extent that the information described in Attachment A is within the possession, custody, or control of Dropbox Inc., including any information that has been deleted but is still available to Dropbox Inc., or has been preserved pursuant to a request made under 18 U.S.C. § 2703(f), Dropbox Inc. is required to disclose the following information to the government for each account listed in Attachment A:

- a. All files stored and presently contained in, or on behalf of, the account or identifier;
- b. All transactional information of all activity of the account described above, including log files revealing the upload, access, and deletion of files and creation or elimination of folder structure;
- c. All business records and subscriber information, in any form kept, pertaining to the individual accounts and/or identifiers described above, including subscribers' registration details, full names, addresses, billing addresses, shipping addresses, date account was opened, length of service, the types of service utilized, ESN (Electronic Serial Number) or other unique identifier for the device(s) associated with the account, Social Security number, date of birth, telephone numbers, purchase

history, email and password records, and other identifiers or records associated with the account;

- d. All payment information, including dates and times of payments and means and source of payment (including any credit or bank account number.

II. Information to be Seized by the Government

All information described above in Section I that constitutes fruits, evidence, and instrumentalities of violations of 2252A(a)(5)(B) by the user(s) of the account(s) identified on Attachment A, in the form of the following:

- a) records and information constituting child pornography, as defined in 18 U.S.C. 2256(8);
- b) records and information constituting child erotica;
- c) records and information revealing the sexual exploitation of or sexual interest in any minor;
- d) records and information constituting or revealing the identity and age of any minor victim;
- e) records and information constituting or revealing participation in groups or communication with others that provide or make accessible child pornography;

- f) Records revealing or indicating who created and accessed the Dropbox account identified in Attachment A, including records revealing subscriber information, IP addresses, mobile devices used, and methods of payment; and
- g) transactional information and location pertaining to any items authorized to be seized under this section (Section II), including log files revealing the upload, access, and deletion of files and creation or elimination of folder structure;

As used above, the terms “records” and “information” includes all forms of creation or storage, including any form of computer or electronic storage (such as hard disks or other media that can store data).

Notwithstanding 18 U.S.C. § 2252/2252A or any similar statute or code, Dropbox, Inc. shall disclose the responsive data by sending it to the below listed contact.

SA Cory E. Brant
Homeland Security Investigations
251 N. Main Street, Suite 800
Winston-Salem, North Carolina 27101
Office: (678) 222-8300
Email: Cory.E.Brant@ice.dhs.gov